

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Stephen Almeida
Title: Multiple Pulse Photo-Epilator
Serial No.: 09/173,422
Filing Date: October 15, 1998
Patent No.: 6,228,074
Issue Date: May 8, 2001
Date: October 13, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

Sir:

DECLARATION OF KEITH SCHULTZ IN SUPPORT OF PETITION UNDER 37 CFR
§ 1.138 (b) TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE
IN EXPIRED U.S. PATENT NO. 6,228,074

1. 1, Keith Schultz, being the Director of Information Services for Brown Rudnick LLP, hereby declare:
2. I am a citizen of the United States and am more than twenty-one (21) years of age;
3. I am presently the Director of Information Services at the law firm of Brown Rudnick; LLP (Brown Rudnick) (<http://www.brownrudnick.com/>), where I have been employed since about 1999;
4. I earned a degree in Computer Technology from Bryant and Stratton in 1997.
5. As part of my duties at Brown Rudnick, I am currently responsible for the organization and storage of electronic and physical files for the Boston office of Brown Rudnick, where we store physical files and track their location using an electronic databases and programs.

I have a background in Information Technology (IT) and am responsible for matters involving IT matters concerning electronic records and databases involving client files at Brown Rudnick;

6. During the month of May 2007 and thereafter, I was involved in the transfer of files related to attorneys that had left Brown Rudnick to join the firm of Seyfarth Shaw (Seyfarth). I worked in conjunction with Deborah Hopkins and Betty McCorkle of Brown Rudnick and Seyfarth's docketing administrator, June Kaps, regarding the electronic transfer of files to Seyfarth.

7. As part of my responsibilities, I coordinated the transfer of electronic docketing information through our docketing software vendor CPI to facilitate the transfer of docketing information of those clients who requested the transfer of their files to Seyfarth.

8. As a result of these transfer requests, Brown Rudnick transferred the physical files of various clients, these files amounted to the work product of several attorneys over the period of several decades and totaled in excess of 700 hundred active files and several thousand inactive files;

9. As a further result of these transfer requests, Brown Rudnick transferred the electronic files of various clients, these electronic files amounted to the work product of several attorneys over the period of several decades and the respective docketing records for this collective work;

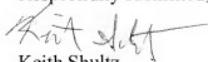
10. As part of this transfer process we received a request from Stephen Almeida, Brown Rudnick client number 21221 (Client), to transfer his physical and electronic files to Seyfarth;

11. Pursuant to this request we made arrangements to have the Client's physical files transferred. We further made arrangements, in coordination with CPI, to transfer the Client's electronic docket entries on the CPI system to Seyfarth. The transfer of the electronic docket entries apparently only affected a transfer of selected Client files concerning matters 7 and 9 and not all Client matters, as the Client had instructed. During the course of Brown Rudnick's investigation, regarding the circumstances giving rise to the expiration of the Petition Patent, it was determined that the selected electronic files attempted to be transferred, matters 7 and 9, concerned non-patent matters for the Client, which contained no docket information;

12. Despite a diligent investigation, I am unsure why a request for the electronic transfer of docketing information for only selected files was sent to CPI, for the Client. Accordingly, it is submitted that any abandonment of this application was unintentional and unavoidable and it is respectfully requested that this Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent under 37 CFR 1.378 (b) be granted.

13. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge and understanding that willful false statements and the like so made are punishable by fine, or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any revived U.S. patent.

Respectfully submitted,



Keith Shultz
Director of Information Services
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Dated: January 18, 2012